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IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

8500

Bureau of Indian Affairs
For Release February 4, 1985

Shaw 202/343-4576

BUREAU OF INDIAN AFFAIRS 1986 BUDGET REQUEST IS \$927.4 MILLION

The President's 1986 budget request for the Bureau of Indian Affairs continues to stress the basic goals of strengthening tribal government, encouraging economic development and providing essential program services on the reservations.

The \$927.4 million requested includes increases for school operations, tribal courts, welfare grants, services to newly recognized tribes, and the loan guaranty program under the recently amended Indian Financing Act. There will also be increases for support funds for tribal contracting of reservation programs, for water policy implementation in the northern plains and for cadastral surveys in Alaska to expedite the transfer of land to Native corporations and individuals.

Two programs initiated in 1983, one to assist small tribes develop needed management skills and the other to provide "seed money" grants for reservation enterprises, will maintain funding levels increased in 1985 to \$4.9 million and \$9.8 million respectively. The request for \$47.6 million for law enforcement on the reservations similarly reflects an \$8.8 million increase received in 1985.

The 1986 budget request represents a reduction of \$66.3 million from the 1985 appropriation of \$993.7 million. The two major areas of retrenchment are construction — cut back \$43.2 million — and the Johnson-O'Malley (JOM) program of education assistance to public schools — reduced from \$25.7 million to zero.

The JOM funds are distributed to public schools and school districts enrolling substantial numbers of Indian students. It is supposed to be used for special supplemental programs for the Indians. A BIA education spokesman said this program was considered expendable because similar supplemental assistance is provided in the public schools through programs funded by the Department of Education and the Department of Health and Human Services. He added that reports by the General Accounting Office and the Interior Inspector General have indicated, also, that in many cases JOM funds have been used for basic public school activities, not aimed at the unique needs of Indian students.

Construction funding is requested only for ongoing projects, with no new starts planned for 1986.

(more)

The reservation road construction program of the Bureau will be funded by a \$100 million allocation of contract authority from the Highway Trust Fund of the Department of Transportation. These funds are in addition to those in the BIA request.

A change, mandated by Congress, in the way contract support funds are listed in the budget request makes a line item by line item comparison with the 1985 appropriation misleading.

In 1985, contract support funds totaling \$35.9 million were listed separately in their own line item categories. In 1986, the contract support funds are lumped together with program monies. This has the effect of making program increases seem larger than they really are and making it appear that some programs received increases when, in fact, they did not.

Contract support funds are used for overhead or administrative costs of programs operated by tribal groups under contracts with the BIA.

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BUREAU OF INDIAN AFFAIRS
F.Y. 1986 BUDGET REQUEST (IN THOUSAND DOLLARS)

	FY 1985 Approp. to date	FY 1986 Budget Request
School Operations	177,265	189,778
Johnson O'Malley Education Assistance.	25,674	---
Continuing Education	53,256	56,627
Education Contract Support	13,073	---
EDUCATION	<u>269,268</u>	<u>246,405</u>
Tribal Government Services	25,936	30,801
Social Services	104,984	113,677
Law Enforcement	44,354	47,620
Self-Determination Services	24,162	24,348
Navajo-Hopi Settlement Program	2,773	2,886
Indian Services Contract Support	14,935	---
INDIAN SERVICES	<u>217,144</u>	<u>219,332</u>
Employment Development	25,414	27,554
Business Enterprise Development	15,688	15,934
Road Maintenance	21,890	22,111
Econ. Develop./Employ. Contract Support	2,675	---
ECONOMIC DEVELOPMENT AND EMPLOYMENT PROGRAMS.	<u>65,667</u>	<u>65,599</u>
Forestry and Agriculture	84,932	90,693
Minerals, Mining, Irrigation and Power	20,758	16,381
Natural Res. Dev. Contract Support	4,460	---
NATURAL RESOURCES DEVELOPMENT	<u>110,150</u>	<u>107,074</u>
Indian Rights Protection	20,550	19,766
Real Estate and Financial Trust Services	28,301	30,456
Trust Responsibilities Contract Support	797	---
TRUST RESPONSIBILITIES	<u>49,648</u>	<u>50,222</u>
FACILITIES MANAGEMENT	<u>88,368</u>	<u>91,140</u>
Management and Administration	48,260	46,418
ADP Services 2/	17,748	17,663
Employee Compensation Payments	6,858	7,523
Program Management	4,805	4,311
GENERAL ADMINISTRATION	<u>77,671</u>	<u>75,915</u>
OPERATION OF INDIAN PROGRAMS (Total).	877,916	855,687
Construction	98,574	70,245
Allocation to BurRec.	8,918	---
Road Construction (approp./reimb.) 1/	5,880	---
Payment to Utah Paiute Fund	2,450	---
Indian Loan Guaranty & Insur. Fund	---	1,485
TOTAL, FEDERAL APPROPRIATIONS	<u>993,738</u>	<u>927,417</u>

1/ Does not include \$100 million in contract authority from Highway Trust Fund.

2/ New subactivity.

850

Bureau of Indian Affairs
For Release

Rumme1 602/241-2305

INTERMOUNTAIN SCHOOL PROPERTY TRANSFERRED TO BRIGHAM CITY

Ownership of the 170-acre campus of the former Intermountain Indian School in Brigham City, Utah will be formally returned to the city in a ceremony to be held in the City Hall January 28

John W. Fritz, the Interior Department's Deputy Assistant Secretary for Indian Affairs, will give Mayor Peter C. Knudson a quit claim deed to the property. Congressman James V. Hansen (R. Utah) and the Brigham City council will be present.

The transfer of the land, originally donated by the city to the United States in 1942, is in accord with a federal law enacted August 27, 1984. Congress had directed the closing of the school by June of 1984 because of declining enrollments in Bureau of Indian Affairs off-reservation schools.

The land was first used by the United States in World War II as the site of the Bushnell Military Hospital. The city, at that time, also provided power, water and sewer lines, paved roads, and sand and gravel for building construction. A 3,700 bed hospital was completed in 1943 and was used by the Army until 1946.

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In 1949 the land and buildings were transferred to the Bureau of Indian Affairs to be used as a temporary school to help meet a greatly increased post-war demand for education on the Navajo reservation. At first the Intermountain school was used by Navajo students who were overage for their school grade level. It subsequently became a vocational training school for students from many tribes and Alaska and, more recently, provided a full high school program. At its peak, the school had an enrollment of about 2,300.

A spokesman for the city said the property will be developed for use as an industrial/business park.

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DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release August 7, 1985

Robert K. Walker 202/343-6416

SECRETARY REJECTS PROPOSAL FOR DOG RACE BETTING ON INDIAN RESERVATION IN NEW MEXICO

Secretary of the Interior Don Hodel said today he has sent letters to the Pueblo of Santa Ana and to the New Mexico Attorney General rejecting the Pueblo's proposal to conduct parimutuel wagering on greyhound dog races on reservation land.

The Secretary said he recognizes the proposal was intended to raise income to accomplish "a variety of worthwhile and important objectives" for the reservation, but "it would be irresponsible for me silently to acquiesce in the Pueblo's engaging in activities which specifically have been called to my attention and which appear to violate federal criminal law."

Last November the Pueblo submitted to the Secretary a proposal to build a dog racing track on reservation lands near Albuquerque. Although the Pueblo later withdrew the request for Secretarial approval, news reports indicated that the Pueblo was proceeding with plans for the dog racing enterprise. The initial issue was whether parimutuel wagering on dog races is a violation of New Mexico and federal law.

Because a potential violation of federal criminal law is indicated, Hodel said he would refer the matter to the U.S. Justice Department.

Hodel, in his letter, said that "both an analysis of the gambling laws of the State of New Mexico and appropriate deference to the construction of such laws by the New Mexico Attorney General" caused him to conclude that betting on dog races would violate New Mexico's criminal laws and, therefore, would violate the federal Assimilative Crimes Act (ACA), which applies State criminal laws to Indian reservations.

(MORE)

Referring to the Pueblo's proposed lease of its reservation lands and to a proposed contract with an individual from Abilene, Kansas to manage the dog races, Hodel said that "since the proposed gambling activities would violate federal criminal law, I will not approve either the lease or the management contract." In response to public statements by attorneys for the Pueblo and for the manager indicating that the gambling project would proceed without Secretarial approval, Hodel said, "Because I will not acquiesce to a potential violation of federal criminal law nor ignore in these circumstances federal statutes requiring Secretarial approval of the lease and contract, I am referring this matter to the Attorney General of the United States."

Hodel's letters were delivered Tuesday as he was in New Mexico for a two-day visit which includes a meeting with the All Indian Pueblo Council.

Before leaving Washington last week for a month-long western trip, Hodel told a news conference that attempts by Indian tribes to engage in gambling operations such as parimutuel wagering that are in conflict with State laws could jeopardize Indian bingo enterprises already in existence on many reservations across the country.

"I believe that Indian bingo has been extremely significant for about 85 reservations," Hodel said at the news conference. "It is one of the few sources of income for some of those reservations which basically have no other resource."

In his letter rejecting the Pueblo of Santa Ana proposal, Hodel noted that the objective of the planned enterprise was to obtain "badly needed funds for services to its people and economic development on the reservation so as to enable employment opportunities and improved lifestyle." The Secretary said, however, that despite the laudable objectives he could not approve any gambling operation that would be in conflict with federal laws.

-DOI-

Editors: Attached is the Summary and Conclusion of Secretary Hodel's letter.

Summary and Conclusion of Secretary Don Hodel's Letter
To Pueblo of Santa Ana and Attorney General of New Mexico

Both an analysis of the gambling laws of the State of New Mexico and appropriate deference to the construction of such laws by the New Mexico Attorney General cause me to conclude that the Pueblo's proposal for parimutuel wagering on greyhound dog races conducted on the Pueblo's reservation would violate the ACA. Secretarial approval of the lease of Pueblo land to enable such gambling is required under 25 U.S.C. sec. 177, and I strongly am inclined to believe that Secretarial approval of the gambling management contract is required under 25 U.S.C. sec. 81. Since the proposed gambling activities would violate federal criminal law, I will not approve either the lease or the management contract. In view of public statements by counsel for the Pueblo and for the Operator-Manager that this project will proceed without Secretarial approval, and because I will not acquiesce to a potential violation of federal criminal law nor ignore in these circumstances federal statutes requiring Secretarial approval of the lease and contract, I am referring this matter to the Attorney General of the United States.

In this and in similar matters where a question arises as to whether proposed Indian gambling activities violate federal criminal law, such as the ACA, this Department, absent further, careful consideration, will not necessarily accept the criminal-prohibitory/civil-regulatory distinction articulated by some courts where the issue is the right of States to enforce their own criminal laws as to activities on reservations. To the extent that the issue of violation of federal criminal law, such as the ACA, turns on a proper construction of State criminal law, this Department normally will defer to the written opinion of the State Attorney General as to construction of State law, unless it appears that such opinion is sham or plainly unsupportable; however, the Department recognizes that judicial review of its decisions based on such deference should be available under applicable law governing judicial review.

Because gambling management contracts are a type of transaction where imposition upon the tribe is likely and there is a strong public interest in regulating such matters, it will be the policy of this Department in this and in similar instances to exercise its authority under 25 U.S.C. sec. 81 (or under any other appropriate statute) to review such contracts to the extent they appear to be within the scope of the statute. We will not necessarily refrain from such review merely because the tribe has interposed another entity or instrumentality between itself and the other party to such contract.

I trust that the foregoing will assist all parties in resolving their differences in this matter and that Departmental officials will be guided accordingly in future matters.



DEPARTMENT of the INTERIOR

news release

MINERALS MANAGEMENT SERVICE

For Release August 7, 1985

Michael L. Baugher (303) 231-3162
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SECRETARY HODEL ESTABLISHES ROYALTY ADVISORY COMMITTEE

Secretary of the Interior Don Hodel has signed into existence a Royalty Management Advisory Committee, a key element of the Department's action plan to improve the processing of mineral royalties collected on federal and Indian lands.

"The committee members will represent those parties directly affected by the federal Royalty Management Program -- the States, Indian Tribes, and individual Indians who receive royalty payments, as well as industry and the general public," Hodel said. "They will be an invaluable and well qualified source of guidance for me on matters that concern royalty participants."

The establishment of the committee is one of the major steps called for in the Department's recently announced Royalty Management Action Plan, which is aimed at providing quicker, more efficient and accurate processing of mineral revenues from federal and Indian leases. The Department's Minerals Management Service (MMS) is responsible for handling these revenues, which in 1984 amounted to more than \$9 billion.

"It's very important to get the committee in place and functioning as soon as possible," Hodel said. "Its advice will help tremendously in implementing other elements of the action plan."

Other features of the action plan include the installation of a new computer system to improve accounting, the establishment of a Lease Management Board to review all Departmental lease management policies, and steps to improve relations with States and Indian Tribes. According to its charter, the committee will initially address such issues as future systems design, funding guidelines for programs that delegate auditing authority to State and Indian governments, and product valuation regulations.

The committee will have no more than 31 members, who will serve on a non-reimbursable basis. Recommendations for membership are being solicited by the Department from affected States, Indian Tribes, industry, and the public. The nominating process is expected to be completed by August 31, and the first meeting of the committee may be held as early as October.



DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

Contact: Bob Walker (202) 343-3171

For Release September 26, 1985

NEW INDIAN AFFAIRS NOMINEE EXPERIENCED IN TRIBAL LEADERSHIP AND BUSINESS

Secretary of the Interior Don Hodel said today he was "absolutely delighted" that the President had nominated Ross Swimmer for Assistant Secretary for Indian Affairs. "We are exceedingly fortunate that Mr. Swimmer is willing to accept this position," Hodel said, "for he has extraordinary qualities of leadership and business experience vital to the success of U.S. Indian programs.

"Ross Swimmer combines a solid knowledge of tribal and Indian affairs with understanding and skill in modern business management," Hodel said, noting that the nominee has served for 10 years as the Principal Chief of the Cherokee Nation of Oklahoma, which includes more than 67,000 registered members living mostly in 14 counties of northeastern Oklahoma. At the same time he was president of the First National Bank of Tahlequah.

"He is dedicated to helping tribes achieve economic success in a competitive society while preserving the rich Indian heritage," Hodel said.

Swimmer, 41, was appointed by President Reagan in 1983 as Co-Chairman of the Presidential Commission on Indian Reservation Economies.

Swimmer earned a political science degree in 1965 and a law degree in 1967 at the University of Oklahoma. From 1967 to 1972 he was a partner in an Oklahoma City law firm. He became general counsel for the Cherokee Nation in 1972, serving in that capacity until 1975 when he was elected Principal Chief. In 1974, he was named executive vice president of the First National Bank in Tahlequah and was promoted to president the following year.

He is a member of the Oklahoma and American Bar Associations, Oklahoma Historical Society, Oklahoma Industrial Development Commission; Oklahoma Bankers Association; Chairman, Board of Directors of the Council of Energy Resource Tribes; and Executive Committee of the Boy Scouts of America in Eastern Oklahoma. He also is the president of Cherokee National Historical Society and Chairman of the Inter-tribal Council of the Five Civilized Tribes.

Swimmer and his wife Margaret, a Tulsa attorney, have two children



DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release October 7, 1985

Contract: Bob Walker (202) 343 3171

SECRETARY HODEL SAYS NEW ASSISTANT SECRETARY, IMPROVED BIA WILL WORK
TO STRENGTHEN INDIAN TRIBES AND GOVERNMENT-TO-GOVERNMENT RELATIONSHIP

Interior Secretary Don Hodel today pledged to work with tribal governments so that Indian reservations can share in economic prosperity and not be "islands surrounded by the rest of America."

Addressing a joint meeting of the National Congress of American Indians and the National Tribal Chairmen's Association in Tulsa, Okla., the Secretary also said that he does not plan to abolish the Bureau of Indian Affairs (BIA) or to establish an additional agency to take over Indian trust responsibilities now administered by BIA.

Hodel lauded President Reagan's selection of Ross Swimmer, Principal Chief of the Cherokee Nation, to be the new Assistant Secretary for Indian Affairs in the Department of the Interior. Swimmer is awaiting Senate confirmation.

"His knowledge of tribal and Indian affairs and his understanding and skill in modern business management will be of tremendous value in achieving success in America's Indian programs," Hodel said of the nominee.

Reaffirming President Reagan's commitment to Indian self-determination and a government-to-government relationship between the Department and the Tribes, Hodel said that if Tribes are to have strong, effective governments they will eventually have to develop sound tribal economies and set their own priorities.

"Only the Tribes can decide when they are ready to assume more independence and take on the responsibilities of self-determination," Hodel said.

"We recognize and accept that the progress and decision making must be individual to each Tribe," Hodel said. "We also recognize, as you must, that Indian Tribes are not and cannot be islands surrounded by the rest of America, and that economic, social and governmental development will progress as Tribes are able to take advantage of the strengths of the American economy."

(more)

The Secretary said the Administration will continue supporting appropriations to help Tribes develop their economies and to allow Tribes to administer contracted programs.

"But Tribes cannot count on automatic financial increases," Hodel added "And new money -- federal or local -- will be available to Tribes that are willing to accept the challenge of economic, political and social development."

Hodel noted that Swimmer was co-chairman of the President's Commission on Indian Reservation Economies, and that following consultation with tribal leaders, "we plan to move forward on appropriate recommendations (of the commission), particularly additional procurement opportunities from the Federal Government, technical assistance for economic development and emphasis on Trust.

"I can assure you that the (commission's) report did not mandate abolishing the BIA, but it did suggest more programs should be run by Tribes addressed immediately," Hodel said.

The Secretary said he did not expect to implement a recommendation of the commission for a separate agency to handle trust responsibility issues.

"A separate agency would result in a duplication of effort and loss of momentum, and would not be in the best interests of the Tribes," Hodel said.

He said that one of Swimmer's top priorities after confirmation by the Senate will be to improve the BIA capability in administering its trust responsibilities.

"This Administration respects all treaties, acts of Congress and other agreements made with Indian Tribes and will administer its trust responsibility accordingly through the Bureau of Indian Affairs," Hodel said.

The Secretary emphasized, "We will continue our efforts to make the Bureau of Indian Affairs a well managed organization that is responsive to the needs of Indian Tribes and Indian people," Hodel said.

He said there is no plan to change the number of BIA field offices.

"Delegation of greater authority and responsibility to field offices, coupled with more frequent and extensive communication with the field, should work to make the bureau more responsive to tribal needs," Hodel said.

-DOI-



8505

DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release October 30, 1985

Carl Shaw (505) 982 5511

ext. 250

SECRETARY HODEL NAMES REPRESENTATIVE TO INDIAN INSTITUTE

Interior Secretary Don Hodel today announced the appointment of LaDonna Harris, a nationally known enrolled member of the Comanche Tribe, as the U.S. representative to the Inter-American Indian Institute (III).

"I am very pleased that a highly qualified Indian woman with such close ties to the Indian community has agreed to serve in this important position," Hodel said. "I believe that her many years of service to the Indian people in this country will go a long way toward meeting the III goal of improving the conditions and the relations with the indigenous people throughout the Western Hemisphere

A native of Oklahoma, Harris currently serves as president of Americans for Indian Opportunity (AIO) in Washington, D.C. AIO, an organization started by Harris 15 years ago, is a national Indian advocacy organization working to strengthen tribal governments. She also organized Oklahomans for Indian Opportunity and has served as a leader and advisor to various Indian advocacy organizations.

"I look forward to using the experience I have gained working with tribal leaders and the Indian community over many years in addressing the many issues confronting the indigenous people in the Western Hemisphere," she said. "I welcome the opportunity to make a contribution to the goals of the Institute, particularly during this time as we experience a resurgence of Indianness in this country and throughout North America."

Harris previously served as a consultant to the Institute and participated in the 8th Inter-American Indian Congress in 1981 in Yucatan, including presentation of a technical paper on economic development. She also traveled to Guyana in 1983 to enlist that country as a member of the Institute.

(more)

Harris, 52, was appointed by President Johnson as a member of the National Indian Opportunities Council and continued service on that body under Presidents Nixon and Ford. She was appointed by President Carter as a member of the President's National Commission on Mental Health and chaired a task force on Indian health problems.

The Institute, established by international convention in 1940, is comprised of 17 nations. Its primary purpose includes dissemination of information to member nations in planning economic, social, educational and cultural improvements for Indians throughout the hemisphere. The Institute acts in a consultative and advisory capacity for the various national bureaus/institutes of Indian Affairs.

Harris replaces Dave Warren who resigned earlier this month and was appointed Secretary General of the 9th Congress now meeting in Santa Fe, N.M.

-DOI-



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

8506

IN REPLY REFER TO:

Bureau of Indian Affairs
For Release December 27, 1985

Lovett 202/343-7445

Swimmer Appoints Mills to Albuquerque Area Position

Sidney L. Mills, director of the Bureau of Indian Affairs' office of trust responsibilities, has been appointed director of the BIA's area office at Albuquerque, New Mexico, Ross Swimmer, Interior assistant secretary for Indian affairs announced today.

Mills, a member of the Oglala Sioux Tribe, served as the Albuquerque area director from 1978 to 1982, before coming to Washington for the position in trust responsibilities. Both positions are at the senior executive service level.

The Albuquerque area director is responsible for BIA operations and activities in New Mexico and Colorado, serving 19 Pueblo tribal groups, the Jicarilla and Mescalero Apache Tribes, the Southern Utes and Ute Mountain Utes, and the Ramah Navajo reservation. Mills is expected to begin his new duties early in 1986.

A Navy veteran, Mills entered federal service in 1973. His experience includes a six month stint in 1980 as the acting deputy assistant secretary for Indian affairs and a similar detail in 1979 as the acting deputy commissioner for the BIA. He has been executive assistant to the commissioner, acting deputy area director and contracting officer for the Bureau's area office in Aberdeen, South Dakota.

Prior to 1973, he served in the private sector as a purchasing manager for the Great Western Sugar Company; merchandise control manager, Creative Merchandising, Inc., and purchasing manager for the Sundstrand Aviation Company, all in Denver, Colorado.

The Albuquerque position has been vacant since August 30, 1985 when former area director Vincent Little retired.
